

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair; Ann H. Kobayashi, Vice Chair;
Brandon J.C. Elefante, Joey Manahan, Trevor Ozawa

Committee Meeting Held
June 28, 2017

Honorable Ron Menor
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works, Infrastructure and Sustainability, which considered Bill 43 (2017) entitled:

“A BILL FOR AN ORDINANCE RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS, STREAMBANKS AND DRAINAGEWAYS,”

which passed second reading and was the subject of a public hearing at the May 10, 2017 Council meeting, reports as follows:

The purpose of the Bill is to amend the conditions a private stream owner is held to maintain, dredge and clear such stream.

The Director of the Department of Facility Maintenance testified in support of the measure and its proposed amendment.

Your Committee received testimony in support of the Bill from 7 individuals and the Plaza Landmark Association of Apartment Owners.

Your Committee considered and approved a proposed posted CD1 version that makes the following amendments:

- A. Makes clarifying grammatical changes to the purpose section of the bill.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUL 12 2017

COMMITTEE REPORT NO. 269

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- B. Amends ROH Sec. 41-26.1 by replacing "department of public works" with "department of facility maintenance" and by making grammatical amendments.
- C. Makes changes to conform the bill with recommended bill drafting format and makes other miscellaneous technical and nonsubstantive amendments.

Your Committee on Public Works, Infrastructure and Sustainability is in accord with the intent and purpose of Bill 43 (2017), as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 43 (2017), CD1. (Ayes: Fukunaga, Elefante, Kobayashi, Ozawa – 4; Noes: None; Excused: Manahan – 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

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COMMITTEE REPORT NO. 269



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 43 (2017), CD1

A BILL FOR AN ORDINANCE

RELATING TO THE MAINTENANCE OF CHANNELS, STREAMBEDS,
STREAMBANKS AND DRAINAGEWAYS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the conditions under which a private stream owner is held to maintain, dredge and clear such stream.

Streams are natural, altered or improved channels that have seasonal or continuous water flows as a result of either surface stormwater runoff or groundwater influx, or both. This ordinance is intended to prevent harm to the health, safety and general welfare of the public, and preserve water quality by ensuring owners of private streams fulfill their maintenance responsibilities beyond that of mitigating flood hazards.

SECTION 2. Section 41-26.1 ("Purpose and intent"), is amended by amending subsection (b) to read as follows:

"(b) The provisions set forth hereinafter are intended to provide the necessary power and authority to the department of [~~public works~~] facility maintenance, an executive agency of the city, to provide for and enforce the maintenance of channels, streambeds, streambanks and drainageways, including their exits to the ocean, in suitable condition to carry off stormwaters, prevent flooding and to ensure that the natural flow of water runs unimpaired; and for the removal from the channels, streambeds, streambanks and drainageways, any debris, vegetation, silt or other items or material of any nature, which is likely to create an unsanitary condition, blockage or otherwise become a public nuisance to the health, safety and welfare of the residents of the city; provided, that to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the city in lieu of the work being done at city expense, and any private entity or person refusing to comply with any final order issued by the city shall be in violation of this article and HRS Section 46-11.5."

SECTION 3. Section 41-26.2, Revised Ordinances of Honolulu 1990, is amended by amending the definitions of "Chief engineer" and "Department" to read as follows:

"'Chief engineer' means the director and chief engineer of the department of [~~public works~~] facility maintenance or the chief engineer's authorized representative.



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"Department" means the government unit known as the department of [public works] facility maintenance of the City and County of Honolulu."

SECTION 4. Section 41-26.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 41-26.3 Maintenance of streams.

The owner of any stream has the duty to maintain, dredge and clear such stream so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind, that may interfere with the natural flow of water[-] or is likely to create an unsanitary condition or otherwise become a public nuisance."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Joey Manahan

DATE OF INTRODUCTION:

April 19, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu